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LOWE HAUPTMAN GILMAN & BERNER, LLP  
Suite 300  
1700 Diagonal Road  
Alexandria, VA 22314

EXAMINER

ALI, MOHAMMAD M

ART UNIT PAPER NUMBER

3744

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/725,582

Applicant(s)

BASSI, ALBERTO

Examiner

Mohammad Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-20, 22 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 21, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 10/320,725.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/03/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 6, 15-16 and 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Tershak et al., (4,834,169). Tershak et al., disclose a refrigerator 20 having a refrigerator chamber 26/28 housed inside a body/cabinet 22; a cooling circuit having compressor 50, condenser 52 and evaporator 30 for cooling the refrigeration chamber 26/28; a thermostat/potentiometer/manual regulator 56/58 mounted inside the refrigerator chamber with mounting means (inherent) and connecting the cooling circuit to regulate a temperature inside the refrigerator chamber 26/28, having an electronic control circuit containing the compressor 50, condenser 52 and evaporator 30 mounted out side the refrigeration chamber 26/28 with mounting means (inherent) and lighting means (inherent because a refrigerator is provided with lighting arrangement) for lighting the inside of the refrigerator chamber 26/27; characterized in that the control circuit is housed outside the refrigeration chamber 26/28. See Fig.2 and 4. Regarding flexible control cable. Any electrical cable connecting electrical circuit in refrigerator can be considered as flexible cable as it ca be bent as defined below in micro soft bookshelf.

**lex·i·ble** (flèk'se-bel) *adjective*

1. a. Capable of being bent or flexed; pliable. b. Capable of being bent repeatedly without injury or damage.
2. Susceptible to influence or persuasion; tractable.
3. Responsive to change; adaptable: *a flexible schedule.*

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[From Latin *flexibilis*, from *flexus*, past participle of *flectere*, to bend.]

— **flex'i-bil'i-ty** or **flex'i-ble-ness** *noun*

— **flex'i-bly** *adverb*

**Synonyms:** *flexible, elastic, resilient, springy, supple*. These adjectives refer literally to what is capable of withstanding stress without injury and figuratively to what can undergo change or modification. Something that is *flexible* can be bent, twisted, or turned (*flexible wire*); the word can also refer to adaptability to change or the need for change (*a flexible* <sup>1</sup>

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tershak et al., in view of Hoffman et al. (DE004404247A1) Tershak et al., disclose the

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<sup>1</sup> *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

invention substantially as claimed as stated above. However, Tershak et al., do not disclose a light guide. Hoffman et al., teach the use of a light source 7 and light guide/flexible cable 6 in a refrigerator for the illuminating purposes. See Fig. 1.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the refrigerator of Tershak et al., in view of Hoffman et al., such that a light guide could be provided in order to illuminate the refrigerator chamber.

3. Claims 9, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tershak et al., in view of Guess et al. (6,375,834). Tershak et al., disclose the invention substantially as claimed as stated above. However, Tershak et al., do not disclose a door switch. Guess et al. teach the use of a door switch 26 in a refrigerator 10 for the purpose of lighting on a light 24 when the door 20 is open and lighting off the light when the door is closed. See Fig. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the service device for a refrigerator of Tershak et al., in view of Guess et al. such that a door switch could be provided in order to make a light on and off.

4. Claims, 12,13, 14, 17, 18, 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tershak et al., in view of Day (5,285,652). Tershak et al., disclose the invention substantially as claimed as stated above. However, Tershak et al., do not disclose a flexible cable controlling electro mechanical selector. Day teaches the use of flexible cable 268 controlling electromechnical selector/switch 260 in a

refrigerator for the purpose of connecting/disconnecting an electric circuit. See Fig.1B and 2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the refrigerator of Tershak et al., in view of Day such that a flexible control cable could be provided in order to control an electric circuit. Regarding Bowden cable for claim 12,18 and 28, Day's flexible cable 268 serves the same purpose of a Bowden cable and it is an obvious choice of an individual to choose a Bowden cable or a flexible cable of Day since there is no criticality or unexpected result from it.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tershak et al., in view of Day as applied to claim 18 above and further in view of Hoffman et al. (DE004404247A1) Tershak et al., in view of Day disclose the invention substantially as claimed as stated above. However, Tershak et al., in view of Day do not disclose a light guide with a light source located outside the refrigerator chamber. Hoffman et al., teach the use of a light source 7 and light guide/flexible cable 6 outside the refrigerator chamber for the illuminating purposes. See Fig. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the refrigerator of Tershak et al., in view of Day and further in view of Hoffman et al., such that a light source and light guide could be provided in order to illuminate the refrigerator chamber.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tershak et al., in view of Day and Hoffman et al., as applied to claim 19 above and further in view of Guess et al. (6,375,834). Tershak et al., in view of Day and Hoffman et al.,

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disclose the invention substantially as claimed as stated above. However, Tershak et al., in view of Day and Hoffman et al., do not disclose a door switch. Guess et al. teach the use of a door switch 26 in a refrigerator 10 for the purpose of lighting on a light 24 when the door 20 is open and lighting off the light when the door is closed. See Fig. 1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the service device for a refrigerator of Tershak et al., in view of Day, Hoffman and further in view of Guess et al. such that a door switch could be provided in order to make a light on and off.

***Allowable Subject Matter***

7. Claims 21 and 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is 703-308-5032. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Esquivel Denise can be reached on 703-308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mohammad M. Ali

September 2, 2004